IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the November 18, 2005
Criminal Misc. Bail application No. 990/2005

Order on the bail application of accused

CRIMINAL SIDE

Vijay Pal S/o Banarasi
R/o Village Shahapur
Sheetalakhera
P.S. Pathri
District Haridwar … Applicant

Versus

State of Uttaranchal … Opposite Party
Arising out of case crime No. 417/2005
U/s 302 & 120-B I.P.C.
P.S. Jwalapur
District Haridwar

Hon'ble J.C.S.C. Rawat, J.

Heard Sri N. C. Gupta learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It is alleged that Metadoor (vehicle) dashed the deceased and a case was registered. The name of the driver, who was driving the alleged vehicle, came into light during the investigation and the chargesheet under section 279, 304-A & 427 I.P.C. was filed before the learned Magistrate. The learned Magistrate recorded the evidence of four witnesses. PW-2 Gyan Chandra and PW3 Ved Prakash had disclosed the name of the present applicant-Vijay Pal as an accused, who intentionally caused the murder of the deceased. It was further alleged that the rest of the two witnesses have not corroborated this fact before the court below. Perused of the case-diary reveals that Birbal and Rajpal, who is said to be eye-witnesses of the incident, have not corroborated the factum of murder. The accused-applicant was released on bail for the offences punishable u/s 279, 304-A, 427 I.P.C., which were bailable offences. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S.Rawat, J.)

Dated 18.11.2005
LSR